

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-0106-02NPD*
NPDES PERMIT NO. CA0023761
ID NO. 1B80083OHUM

WASTE DISCHARGE REQUIREMENTS

FOR

EUREKA FISHERIES, INC.
AND
FUR BREEDERS AGRICULTURAL COOPERATIVE

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board), finds that:

1. Eureka Fisheries, Inc., P.O. Box 217, Fields Landing, CA 95537 submitted a Report of Waste Discharge dated March 21, 2001 and applied for renewal of its permit to discharge fish processing wastes to Humboldt Bay under the National Pollutant Discharge Elimination System (NPDES). Waste Discharge Requirements Order No. 95-79 was adopted on October 26, 1995 and currently is in effect for this discharge.
2. Eureka Fisheries, Inc. operates a fish processing facility at the foot of "C" Street in Fields Landing and discharges wastewater into Humboldt Bay at a point within the NE 1/4 of the SE 1/4 of Section 18, T4N, R1W, HB&M at latitude 40° 43' 45" W and longitude 124° 13' 45" N as shown on Attachment "A" incorporated herein and made part of this Order. The facility is owned by Fur Breeders Agricultural Cooperative, 8700 South 700 West, Sandy, UT 84070. Fur Breeders Agricultural Cooperative grinds fish solids up and freezes them for shipment to Utah for mink food. Eureka Fisheries, Inc. and Fur Breeders Agricultural Cooperative are hereinafter collectively referred to as the Permittee.
3. Seafood processing consists of fish filleting and crab cleaning. These products are further processed by cooking and freezing. Wastewater origin, disposition, and flow quantities are as follows:

<u>Type</u>	<u>Quantity in gallons/day</u>	<u>Disposition</u>
Sanitary Waste	500	Community Sewer
Process Wastewater	21,500 average	Humboldt Bay

Process wastewater is discharged through a shallow-water outfall to Humboldt Bay following collection and screening. Solids collected as part of the filleting, cleaning, and freezing operation are processed by Fur Breeders Agricultural Cooperative into food for mink and other commercial fur bearing animals.

4. This facility is a minor discharger as defined by the U.S. Environmental Protection Agency (U.S. EPA).
5. The Water Quality Control Plan for the North Coast Region includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.

6. The Plan contains a narrative objective (standard) for toxicity as follows:

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration or other appropriate methods as specified by the Regional Water Board.

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary for other control water that is consistent with the requirements for "experimental water" as described in Standard Methods for the Examination of Water and Wastewater. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute bioassays of effluents will be prescribed where appropriate, additional numerical receiving water objectives for specific toxicants will be established as sufficient data become available, and source control of toxic substances will be encouraged.

7. The State Water Resources Control Board (State Water Board) adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (also known as the State Implementation Plan or SIP) on March 2, 2000. All provisions of the SIP became effective as of May 22, 2000. The SIP applies to discharges of toxic pollutants into the inland surface waters, enclosed bays, and estuaries of California subject to regulation under the State's Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) and the federal Clean Water Act (CWA). The SIP establishes: (1) implementation provisions for priority pollutant criteria promulgated by the U.S. EPA through the National Toxics Rule (NTR) and through the California Toxics Rule (CTR), and for priority pollutant objectives established by Regional Water Quality Control Boards (Regional Water Boards) in their water quality control plans (basin plans); (2) monitoring requirements for 2,3,7,8-TCDD equivalents; and (3) chronic toxicity control provisions. Insufficient background and effluent data exist to determine whether any of the priority pollutants are, or may be, discharged at a level that will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard. In accordance with the SIP, the Regional Water Board has issued a 13267 (b) Order to require the Permittee to obtain the data. After the data was gathered, the reasonable potential analysis (RPA) will be performed and the permit reopened to include additional numerical limitations, if necessary.
8. This facility does not have storm water discharges associated with industrial activities. Neither coverage by the General Storm Water Permit nor submittal of a Storm Water Pollution Prevention Plan is required.
9. Beneficial uses of Humboldt Bay include:
- a. industrial water supply
 - b. navigation
 - c. water contact recreation
 - d. noncontact water recreation
 - e. commercial and sport fishing
 - f. wildlife habitat

- g. preservation of rare and endangered species
 - h. marine habitat
 - i. migration of aquatic organisms
 - j. spawning, reproduction, and /or early development
 - k. shellfish harvesting
 - l. estuarine habitat
 - m. aquaculture
10. Effluent limitations and toxic and pretreatment effluent standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Clean Water Act and amendments thereto are applicable to the Permittee.
 11. The discharge does not contain nonpriority pollutants (other than those for which effluent limits are prescribed) at levels that will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standards. This finding is based in part on a small waste volume and the nonchemical nature of plant washwater discharges generated from fish filleting and crab cleaning.
 12. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters within California. The impact on existing water quality will be insignificant.
 13. The action to renew an NPDES Permit is exempt from Chapter 3 of the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., in accordance with Section 13389 of the California Water Code, and is also exempt from CEQA pursuant to Title 14, California Code of Regulations (CCR), Section 15301 as an existing facility involving negligible or no expansion of use.
 14. The Regional Water Board has notified the Permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
 15. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
 16. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that Waste Discharge Requirements Order No. 95-79 is rescinded and the Permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this permit is prohibited.
2. Creation of a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code (CWC) is prohibited.

B. EFFLUENT LIMITATIONS

1. Representative samples of the discharge must not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units</u>	<u>30-day^a Average</u>	<u>Daily^a Maximum</u>
FOR BOTTOM FISH PROCESSING:			
Total Suspended Solids	lb/1000 lb of seafood	2.0	3.6
Oil and Grease	lb/1000 lb of seafood	0.55	1.0
FOR DUNGENESS CRAB PROCESSING:			
Total Suspended Solids	lb/1000 lb of seafood	2.0	8.1
Oil and Grease	lb/1000 lb of seafood	0.61	1.8

FOR ALL PROCESSING:

- | | | |
|--------------|----|-----------------------------|
| Hydrogen Ion | pH | Within the range 6.0 to 9.0 |
|--------------|----|-----------------------------|
2. The Hydrogen Ion concentration of representative of effluent shall be maintained within the range of 6.0 to 9.0 pH units.
 3. Waste effluents shall be discharged in a manner that provides sufficient initial dilution to minimize the concentrations of substances not removed in treatment.
 4. There shall be no acute toxicity in the effluent. Effluents are considered acutely toxic when there is: 1) less than 90 percent survival 70 percent of the time based on any monthly median, or 2) less than 70 percent survival 100 percent of the time.

C. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 6.0 mg/l. Additionally, the discharge shall not cause the dissolved oxygen content of the receiving water to fall below 7.0 mg/l more than 50 percent of the time or below 6.2 mg/l more than 10 percent of the time. In the event that the receiving waters are determined to have a dissolved oxygen concentration of less than 6.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The discharge shall not cause the pH of the receiving waters to be depressed below background levels nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time by more than 0.2 units from that which occurs naturally.
3. The discharge shall not cause the turbidity of the receiving waters to be increased by more than 20 percent above naturally occurring background levels.

4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
6. The discharge of waste shall not cause esthetically undesirable discoloration of the receiving waters.
7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.
9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life. The discharge shall not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.
10. The discharge shall not cause a measurable temperature change in the receiving waters.
11. The discharge shall not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels that are harmful to human health.
12. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.
13. The discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Federal Water Pollution Control Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.
14. The discharge shall not cause concentrations of contaminants to occur at levels that are harmful to human health in waters which are existing or potential sources of drinking water.
15. The discharge shall not cause chronic toxicity in the receiving water. Compliance with this limitation shall be determined in accordance with **General Provision D.20.**

D. GENERAL PROVISIONS

1. Duty to Comply

The Permittee shall comply with all of the conditions of this Permit. Any permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. [40CFR122.41(a)]

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40CFR122.41(a)(1)]

2. Duty to Reapply

This permit expires on June 28, 2006. If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee shall apply for and obtain a new permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations shall be received by the Board no later than December 28, 2005. [40CFR122.41(b)]

The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40CFR122.21 after the Permit expiration date. [40CFR122.21(d)(2)]

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40CFR122.41(c)]

4. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. [40CFR122.41(d)]

5. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Permittee only when necessary to achieve compliance with the conditions of this Permit. [40CFR122.41(e)]

6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or
- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant that is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the Permittee so notified. [40CFR122.41(f)]

The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. [40CFR122.41(f)]

7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40CFR122.41(g)]

8. Duty to Provide Information

The Permittee shall furnish the Regional Water Board, State Water Board or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The Permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40CFR122.41(h)]

The Permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

9. Inspection and Entry

The Permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40CFR122.41(i)]

10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The Permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the Permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually, to ensure their continued accuracy.
- c. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used;
 - vi. The results of such analyses;
 - vii. The Method Detection Limit (MDL); and
 - viii. The Practical Quantitation Level (PQL) or the limit of Quantitation (LOQ).
- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses

shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Regional Water Board Executive Officer (Executive Officer). Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

11. Signatory Requirements

- a. All permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by a responsible corporate officer. For purposes of this provision, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation. [40CFR122.22(a)]
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and permit applications submitted for Group II storm water discharges under 40CFR122.26(b)(3) may be signed by a duly authorized representative provided:
 - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - iii. The written authorization is submitted to the Board prior to or together with any reports, information, or applications signed by the authorized representative. [40CFR122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40CFR122.22(d)]

12. Reporting Requirements

- a. Planned changes: The Permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40CFR122.29(b); or
 - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit nor the notification requirements under **F. General Provision 12 (f)**.
- c. Anticipated noncompliance: The Permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self-monitoring program. The Permittee shall submit an annual report to the Regional Water Board such that it is received by February 28 of each year. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the permit. If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- e. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted such that they are received by the Regional Water Board no later than 14 days following each schedule date.
- f. Noncompliance reporting: The Permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- g. In addition, the following events shall be reported orally as soon as the Permittee becomes aware of the circumstances, and the written report shall be provided within five days of that time.
 - i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the Permit.
 - ii. Any upset that exceeds any effluent limitation in the Permit.
 - iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.

- iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

- h. Other information: Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, the Permittee shall promptly submit such facts or information. [40CFR122.41(1)]

13. Bypass

The intentional diversion of waste streams from any portion of a treatment facility is prohibited.

14. Upset

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof. [40 CFR 122.41(n)]

15. Enforcement

The Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

16. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

17. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the Permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Addition of a major industrial waste discharge to a discharge of essentially domestic sewage, or the addition of a new process or product by an industrial facility resulting in a change in the character of the waste;
- b. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste;
- c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly

removed from the original area, potentially causing different water quality or nuisance problems; or

- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

18. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

19. Monitoring

The Regional Water Board or State Water Board may require the Permittee to establish and maintain records; make reports; install, use, and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed; and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The Permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-0106-02NPD* and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The Permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the Permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program shall be kept in the laboratory and shall be available for inspection by staff of the Regional Water Board. The quality assurance/quality control program shall conform to U.S. EPA or State Department of Health Services guidelines.

20. Chronic Toxicity Control Provision

In accordance with the SIP, the Permittee shall have the effluent analyzed for chronic toxicity in order to demonstrate compliance with the Basin Plan narrative toxicity objective. Compliance with this requirement shall be achieved in accordance with Monitoring and Reporting Program No. R1-0106-02NPD*:

21. Toxicity Identification and Reduction Evaluations

If there is a consistent exceedance of the toxicity effluent limitation, the Permittee shall implement a TRE in accordance with the following:

- a. The TRE shall be specific to the discharge and permitted facility.
- b. The Permittee shall submit a TRE work plan to the Regional Water Board for approval within 60 days of the effluent limit exceedance.
- c. The TRE shall be performed in accordance with the *Toxicity Reduction Evaluation Protocol for Municipal Wastewater Treatment Plants* (EPA/833B-99/002).
- d. The TRE may be ended at any stage if monitoring finds there is no longer consistent toxicity.
- e. Many recommended TRE elements parallel required or recommended efforts of source control, pollution prevention, and storm water control programs. TRE efforts should be coordinated with such efforts. To prevent duplication of efforts, evidence of compliance with requirements or recommended efforts of such programs may be acceptable to comply with TRE requirements.
- f. The Regional Water Board recognizes that chronic toxicity may be episodic and identification of causes of and reduction of sources of chronic toxicity may not be successful in all cases. Consideration of enforcement action by the Regional Water Board will be based in part on the Permittee's actions and efforts to identify and control or reduce sources of consistent toxicity.

22. Time Schedule for Completion of Data Collection per CTR/SIP

The Permittee has been issued a letter requiring the testing of effluent and receiving waters, pursuant to the State Implementation Plan. The following reiterates the submittal due date schedule contained in the 13267 letter issued to the Permittee on April 27, 2001:

Sampling plan for testing priority pollutants in effluent and receiving water	September 28, 2001
Sampling plan for testing dioxin congeners in effluent	September 28, 2001
Notification as to whether sampling took place	within 14 days of each scheduled sampling
Data submittal for all required priority pollutant sample events	April 28, 2003
Data submittal for all required dioxin sampling events	April 28, 2004

The Permittee shall comply with the above schedule.

23. Pollutant Minimization Program

The Permittee shall, as required by the Executive Officer, conduct a Pollutant Minimization Program in accordance with the SIP when there is evidence that the priority pollutant is present in the effluent above an effluent limitation or when a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level; or when a sample result is reported as not detected and the effluent limitation is less than the method detection limit.

24. Reopener

The Regional Water Board may modify, or revoke and reissue, this Order if present or future investigations demonstrate that the Permittee governed by this Order is causing or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In the event that the Regional Water Board's interpretation of the narrative toxicity objective is modified or invalidated by a State Water Board order, a court decision, or State or Federal statute or regulation, the effluent limitations for toxic pollutants contained in this Order may be revised to be consistent with the order, decision, statute or regulation.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with the SIP and any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the SIP, 303(d) list, and total maximum daily load (TMDL) program.

The Regional Water Board shall notice a reconsideration of this permit within 60 days of the date of the final judgment by the San Francisco Superior Court in *Water Keepers Northern California, et al.*, Case No. 312513, for the purpose of modifying the permit to make it consistent with the judgment of the Court in this matter where any term, limitation, or provision is inconsistent with the judgment. The permit shall be modified within the time period established by the Court in this matter.

Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on June 28, 2001.

Lee A. Michlin
Executive Officer

* Temporary order number, final number will be assigned when adopted